

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 7/05/2019 11:23:54 AM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Reply - Form 34 - Rule 16.33  
File Number: VID1492/2018  
File Title: ROBERT MUTCH v ISG MANAGEMENT PTY LTD  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 7/05/2019 11:23:58 AM AEST

A handwritten signature in blue ink, reading 'Warwick Soden'.

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## Reply

No. VID1492 of 2018

Federal Court of Australia  
District Registry: Victoria  
Division: Fair Work

### ROBERT MUTCH

Applicant

### ISG MANAGEMENT PTY LTD (ACN 142 916 970)

Respondent

1. Save as where pleaded to below, the Applicant joins issue with the Respondent.
2. In respect of paragraphs 264 to 269 of the Defence filed on 24 April 2019:
  - a. As a matter of law, estoppel cannot be set up against entitlements in the *Fair Work Act* and the *Telecommunications Services Award 2010*.

#### Particulars

*Ace Insurance Ltd v Trifunovski* (2011) 200 FCR 532 at [139]-[146] per Perram J.

- b. The plea of estoppel made in paragraphs 264 to 269 of the Defence cannot succeed.
  - c. The Applicant otherwise denies paragraphs 264 to 269 of the Defence.
3. In respect of paragraph 270 of the Defence:
  - a. The Applicant denies that any amounts (including in respect of GST) paid by the Respondent to Mutch Better Communications Pty Ltd (Deregistered) are liable to be set-off against any amounts payable by the Respondent to the Applicant in the event that the Applicant succeeds in claiming relief under the Further Amended Statement of Claim.
  - b. The Applicant will rely on any Defence to the Cross-Claim.

---

Filed on behalf of (name & role of party) Robert Mutch (Applicant)  
Prepared by (name of person/lawyer) Vicky Antzoulatos  
Law firm (if applicable) Shine Lawyers Pty Ltd  
Tel (02) 8754 7229 Fax (02) 9267 5650  
Email vantzoulatos@shine.com.au  
**Address for service** Level 6, 299 Elizabeth Street, Sydney, NSW, 2000  
(include state and postcode)

c. The Applicant otherwise denies paragraph 270 of the Defence.

Date: 7 May 2019



---

Signed by Vicky Antzoulatos  
Lawyer for the Applicant

This pleading was prepared by Vicky Antzoulatos, lawyer, Jonathon Dooley (counsel) and Ian Pike SC.

**Certificate of lawyer**

I, Vicky Antzoulatos, certify to the Court that, in relation to the reply filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 7 May 2019



---

Signed by Vicky Antzoulatos  
Lawyer for the Applicant